

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

MATTHEW TODD STUMP,

Plaintiff,

v.

**CIVIL ACTION NO. 2:15-CV-76
(BAILEY)**

**CAROLYN W. COLVIN,
Acting Commissioner of
Social Security Administration,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge Michael J. Aloï [Doc. 12]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Aloï for submission of a proposed Report and Recommendation ("R&R"). Magistrate Judge Aloï filed his R&R on November 16, 2016, wherein he recommends this Court deny Commissioner Carolyn W. Colvin's ("the Commissioner") Motion for Summary Judgment [Doc. 9], and that plaintiff Matthew Todd Stump's ("Stump") Motion for Summary Judgment [Doc. 7] be granted, and that this matter should be remanded to the Commissioner for further action in accordance with the R&R.

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or

recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Aloï's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). The docket reflects that the R&R was electronically mailed to all counsel of record on November 16, 2016, and that service was accepted the same day [Doc. 12]. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the above, it is the opinion of this Court that the **Report and Recommendation [Doc. 12]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report.

Accordingly, this Court **ORDERS** that the Commissioner's Motion for Summary Judgment [Doc. 9] is **DENIED**, and that Plaintiff Stump's Motion for Summary Judgment [Doc. 7] is **GRANTED**. This matter is **REMANDED** to the Commissioner for further action in accordance with the R&R.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: December 5, 2016.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE